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USSN: 09/410,462
PATENT

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Signature <i>Gayle R. Fabian</i>	Date of Transmittal <i>16 Dec 2008</i>

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
In Re Application of: Williams, A., et al.	Confirmation No. 6889
Serial No.: 09/410,462	Art Unit: 1635
Filing Date: 1 October 1999	Examiner: J.E. Angell
Title: A SINGLE AGENT METHOD FOR KILLING TUMOR AND TUMOR ASSOCIATED ENDOTHELIAL CELLS USING ADENOVIRAL MUTANTS	

AMENDMENT AND RESPONSE TO NON-FINAL OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the non-final Office action, mailed 16 June 2008, in the above-referenced application. The response date with three-month extension falls on Tuesday, 16 December 2008. Accordingly, the response date is Tuesday, 16 December 2008. A three-month extension of time to respond is requested. An authorization for payment of the fee accompanies this paper in the Petition for Extension of Time. No further fee is believed due; however, the Commissioner is hereby authorized to charge to Deposit Account No. 15-0615 any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 which may be required by this paper, with the exception of the payment of the issue fee. Reconsideration of the application in view of the following remarks is respectfully requested.

Introductory Comments

I. Summary of the Office Action.

In the Office action, mailed 16 June 2008, the Examiner asserted the following rejections and objection:

The Examiner rejected claims 6, 7, 11, 15, 17, and 18 under 35 U.S.C. §102(e) asserting that the claims are anticipated by Bischoff, et al., U.S. Patent No. 6,080,578.

The Examiner rejected claim 26 under 35 U.S.C. 103(a) asserting that the claim is unpatentable over Whyte, et al., J. Virol. 1988, in view of Bischoff, et al., U.S. Patent No. 6,080,578.

The Examiner rejected claim 27 under 35 U.S.C. 103(a) asserting that the claim is unpatentable over Jelsma, et al., Virol. 1989, in view of Bischoff, et al., U.S. Patent No. 6,080,578.

The Examiner indicated claims 8-10, 19, 20, and 34 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Examiner's rejections and objection are believed to be overcome in part by the amendments and are otherwise traversed for reasons discussed below.

Claim 28 is allowed (*see* Office action, mailed 16 June 2008, page 9).

II. Overview of the Amendments to the Claims.

Claims 6-11, 15, 17-20, 26-28 and 34 are pending in the application. Claims 26 and 27 are canceled by this amendment without prejudice or disclaimer. Cancellation of these claims is not intended to be an acquiescence in the Office's assessment of those claims in the 16 June 2008 Office Action, and applicants expressly reserve the right to bring the subject matter of the original claims again in a subsequent, related application.

After entry of this amendment claims 6-11, 15, 17-20, 28, and 34 are pending.

The amendments to the claims are presented herein below (after the signature page) in the section titled "Amendments to the Claims."

Accordingly, no new matter has been added by way of this amendment and the entry thereof is respectfully requested.